

Remarks

This amendment responds to the official action of May 21, 2010 and is accompanied by a two month extension of time under 37 CFR §1.136(a).

Applicant is pleased to note the indication of allowable subject matter as to claim 14. The subject matter of claim 14 and its base claim 1 are now presented in independent form as new claim 15, which is allowable in accordance with the official action. New claim 16 is substantially the same as claim 13 and depends from claim 15. Claim 16 is allowable at least by virtue of dependence on claim 15.

Claim 1 has been amended to more particularly and distinctly define the subject matter of the invention and better to distinguish over the prior art of record. No new matter is presented. Claim 1 now recites the grip extending from the housing, formerly recited in claim 13, now canceled. Claim 1 has been reorganized with respect to the recital of the holder engaging the housing by a pair of jaws gripping an outer perimeter of the housing of the shower head between two diametrically opposed locations. Claim 1 as amended defines that the jaws grip at a widest part of the housing, and the holder acts by means of an interference fit with the housing, permitting withdrawal and introduction of the shower head between the jaws, along a direction of the grip.

Claim 1 as amended does not define the showerhead housing specifically as disk-shaped, which is how the housing is defined in claim 14, indicated in the official action to be allowable if in independent form. However, claim 1 as amended does define certain comparable aspects and is believed to be allowable as now presented. In claim 1, the holder grips the showerhead housing at diametrically opposite sides, at the widest outer perimeter, with an interference fit permitting removal and reinsertion of the showerhead housing into the gripping holder, by movement toward and away from the wall in line with the grip 9. Reference can be made to Fig. 4, wherein downward movement of the housing in the direction of grip 9 corresponds to movement toward the wall, or Fig. 3, wherein such movement would be normal to the plane of the sheet.

Claim 1 is supported in the disclosure, including at page 2, lines 25-26 (holder grips outer perimeter of housing); page 3, lines 7-8 (at diametrically opposed locations),

etc. These aspects result in the shower head being held by its housing instead of by its grip (see page 4, line 3). The clamping and interference fit aspects are supported at page 5, lines 26-27, including the directions in which the housing is movable in order to engage or disengage the shower head housing from the holder. See, e.g., page 6, lines 5 and 21-22.

The invention defined by claim 1 as a whole cannot be deemed disclosed or obvious from the prior art. In US 4,091,998 - Peterson, a retainer clamp 10 is cited. However, the Peterson clamp engages the grip part of the showerhead, not a housing as defined in claim 1. A part of the grip 22 is accessible for being grasped by the user. But as shown in Figs. 1 and 2, there is no way that the showerhead might be withdrawn by manually displacing the grip 22 in the direction of the grip and the hose. Peterson explains the implications of the structure from col. 2, line 40 to col. 3, line 6. In particular, Peterson at col. 2, line 65 of to col. 3, line 12 explains that the idea is to prevent the hand shower head from being dislodged inadvertently. The showerhead of Peterson can be removed from the retainer clamp only when the showerhead is positively moved upwardly along a path coaxial with the longitudinal axis of the handle portion, and while in this upward position, has then to be further positively rotated about a longitudinal axis of the handle portion. The upward direction in Figs. 1, 2, 3 and 7 of Peterson is opposite to the direction in which the showerhead of the claimed invention can be withdrawn when pulling the shower head housing from the holder in the direction of the grip 9 and the wall, against the interference fit of the holder on the opposite sides of the housing at its widest point.

Inasmuch as Peterson does not disclose aspects positively recited in claim 1 as amended, there is no basis to maintain a rejection under 35 USC §102. Furthermore, Peterson teaches away from the possibility of a holder and shower head housing as claimed, wherein the holder spans across the housing as opposed to providing a holster or even a holster with an additional snap fit action as in the prior art. There is no reason to believe that a person of ordinary skill would expect to improve on Peterson by

reconfiguring the a showerhead and holder to abandon the aspects that were important to Peterson and attempting a wholly different sort of arrangement.

Claims 7 and 9 were rejected over a combination of Peterson and US 4,072,397 – Ross, the official action referring to the spring clip 43 in Ross's Fig. 3. Ross's spring clip mounts a mirror on a shower head. The clip in Ross is on the detachable part rather than the stationary part (namely the fixed showerhead). For these reasons, there is no basis to assert a routine combination of Ross and Peterson. But even assuming that one extracts the spring clip aspect of Ross to replace the clip 10 in Peterson, there are positively recited aspects in claim 1 that would not be met. That is, the combination of Ross and Peterson would not result in a showerhead as defined in claim 1 as amended.

The prior art fails to teach or suggest an arrangement as claimed. There is no example of a holder engagement with a shower head housing as claimed. There is no basis for rejection of claim 1 over the prior art. Claim 1, and also claims 7-9, 11 and 14 depending from claim 1, are properly allowable as now amended. As mentioned above, claim 15 combines the subject matter of claim 14 and previous claim 1, found in the official action to be directed to allowable subject matter, rendering allowable claim 15 and claim 16 depending thereon.

The claims as amended are not met in the prior art. The differences between the invention and the prior art are such that the subject matter claimed, as a whole, is not shown to have been obvious. Applicant requests reconsideration and allowance of the pending claims.

Respectfully submitted,

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/Stephan Gribok/
Stephan P. Gribok, Reg. No. 29,643
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196
tel. 215-979-1283
fax. 215-689-2443
SPGRIBOK@DUANEMORRIS.COM

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